

**35 USC 112**

Applicants request correction of the obvious error in Claim 13, wherein the formula clearly was intended to refer to Formula II, rather than Formula I. Applicants respectfully request correction of this administrative error.

Claim 2 has been amended to both insert the word “is” and to restore hydrogen as an option for the R1 variable. As the Examiner pointed out, Claim 30 and the disclosure of the specification provides support for the amendment to restore the option that R1 may be hydrogen. Applicants believe that the amendment to Claim 2, to correct the obvious error, will resolve the rejection of Claim 30 under 35 USC 112.

Applicants request amendment of Claim 35 to correct another obvious error. The U variable is the aliphatic linker of the Formula II structure. Claim 35 further supports this correction, when the claim refers to R30 substitutions on the “aliphatic linker”. The only variable in the claim that may have an R30 substitution is the U variable, as the claim is now written. Applicants maintain that this is an obvious error, and that the skilled person would recognize that the term “aliphatic linker” refers to U. As such, Applicants request entry of the amendment and submit that no new matter is entered into the claim through such correction of this error.

Applicants submit that the correction of the errors in claims 2, 13, and 35 add no new matter. Applicants maintain that the amendments are fully supported by the original disclosure and may properly be entered. Applicants believe that entry of these amendments will resolve the rejection under 35 USC 112. Applicants request favorable reconsideration in light of the amendments.

**35 USC 112**

Applicants request amendment of claim 2 to delete the phrase “solvates and hydrates”. Applicants maintain that the specification is clearly directed to compounds of Formula II as well as its pharmaceutically acceptable salts, as illustrated by both the examples and general description. Applicants maintain that the phrase may properly be deleted without introducing any new matter. Applicants request entry of the amendment to Claim 2, and reconsideration of the rejection under 35 USC 112.

**Claim Objections**

Applicants request cancellation of Claim 33 to remove the unnecessary claim reciting an existing limitation to the U variable. Likewise, Applicants request amendment of Claim 43 to remove the unnecessary recital that R2 is a bond.

Finally, Applicants request amendment of Claim 2 to include hydrogen in R1. Applicants have set forth basis for this amendment herein above. Applicants maintain that R1 can properly be amended to include hydrogen as an option without the introduction of any new matter. Applicants request amendment of X, Y, R9, R10, and R32 to correct obvious errors. Support for the amendment to R10 is found in original claim 18, wherein R10 may be CF<sub>3</sub>. Applicants maintain that this is an obvious error, and may properly be corrected without entry of new matter. Applicants believe that all the remaining amendments are simply correction of administrative errors, that may readily be amended without introducing any new matter.

**Allowable Subject Matter**

Applicants gratefully acknowledge the Examiner's statement that Claim 2 includes allowable subject matter. Applicants believe that entry of the accompanying amendments will address the rejections and amendments to the claims. As such, Applicants believe that the case is now in condition for allowance.

**Remarks**

Applicants request entry of the corrected amendments to the claims without prejudice, to place the application in condition for allowance. Applicants submit that the proposed amendments are fully supported by the original application, by the Examples, preferred features beginning on page 25, and the original claims.

Applicants respectfully request entry of the amendments and prompt favorable consideration.

Respectfully submitted,

/MaCharri Vorndran-Jones/

MaCharri Vorndran-Jones  
Attorney for Applicants  
Registration No. 36,711  
Phone: 317-276-1665

Eli Lilly and Company  
Patent Division  
P.O. Box 6288  
Indianapolis, Indiana 46206-6288  
September 29, 2008